

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RODNEY LEE WALTON,

Plaintiff,

v.

DALE R. DENLINGER,

Defendant.

:
:
:
:
:
:
:
:
:

CIVIL ACTION

NO. 05-5170

ORDER

AND NOW, this ____ day of December 2007, upon consideration of Defendant's Motion for Summary Judgment (Doc. 48), Plaintiff's Response (Doc. 49), and Defendant's Reply (Doc. 50), **IT IS HEREBY ORDERED** and **DECREED** that Defendant's Motion is **DENIED**.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, U.S.D.J.